

WEDNESDAY, APRIL 22, 1992

EIGHTY-SEVENTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Father James F. Marque, St. Martin's Episcopal Church, Chattanooga, Tennessee.

Representative Turner (Hamilton) led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

MESSAGE FROM THE SENATE
April 21, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 399 -- To propose an amendment to Article XI, Section 3, of the Constitution of Tennessee, relative to process of amending the Constitution.

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The resolution passed three readings in the Senate by a roll call vote in accordance with Article XI, Section 3, Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0399** -- Constitutional Amendments -- Authorizes constitutional amendment to be on ballot for regular November election; requires simple majority to ratify. by *Cohen.

MESSAGE FROM THE SENATE
April 21, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 339 -- Relative to amending the Constitution of Tennessee Article II, Section 28, and Article XI, Section 9, relating to the taxation of the individual income of natural persons.

The resolution passed three readings in the Senate by a roll call vote in accordance with Article XI, Section 3, Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0339** -- Constitutional Amendments -- Allows income taxation by the state, and by municipalities and counties, if authorized by the general assembly. Amends Art. II, Sec. 28; Art. XI, Sec. 9. by *Henry.

MESSAGE FROM THE SENATE
April 21, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 323, 421, 442, 443 and 445; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0323** -- General Assembly, Studies -- Establishes joint study committee on emergency communications. by *Crutchfield, *McKnight, Albright, Hamilton.

***Senate Joint Resolution No. 0421** -- Highway Signs -- "William A. Harwell Memorial Highway," U.S. 43, Lawrence County. by *Springer.

***Senate Joint Resolution No. 0442** -- General Assembly, Confirmation of Appointment -- Edward S. Porter, State Forestry Commission. by *Koella, *Cooper.

***Senate Joint Resolution No. 0443** -- General Assembly,

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Confirmation of Appointment -- Michael D. Martin, State Forestry Commission. by *Koella, *Cooper.

***Senate Joint Resolution No. 0445** -- General Assembly, Directed Studies -- Creates interagency task force to study issues relative to intermediate care facilities for persons with mental retardation. by *Hicks.

MESSAGE FROM THE SENATE
April 21, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 149, 744, 884, 887, 1892, 1904, 1910, 1927, 1936, 1990, 2132, 2439, 2590, 2605, 2606, 2644, 2691, 2744, 2762, 2778 and 2816; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0149** -- Commerce and Insurance, Dept. of -- Revises meeting notice requirements. Amends TCA, Title 56. by *Patten.

***Senate Bill No. 0744** -- Taxes, Sales -- Authorizes tax on services. Amends TCA, Title 67. by *Albright, Henry.

***Senate Bill No. 0884** -- Insurance, Health, Accident -- Permits assignment of certain insurance benefits. Amends TCA, Title 56, Ch. 7, Pt. 1. by *Greer.

***Senate Bill No. 0887** -- Chiropractors -- Permits insurance payment for disability when injury certified. Amends TCA, Title 56, Ch. 7, Pt. 1. by *Crutchfield.

***Senate Bill No. 1892** -- Sunset Laws -- Board of examiners for architects and engineers, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 2. by *Hicks.

***Senate Bill No. 1904** -- Sunset Laws -- Board of examiners in psychology, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 11; Title 68, Ch. 1. by *Hicks.

***Senate Bill No. 1910** -- Sunset Laws -- Alcoholic beverage commission, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 50; Title 12, Ch. 2; Title 47, Ch. 18; Title 57; Title 60, Ch. 4; Title 62, Ch. 33; Title 67, Ch. 4. by *Hicks.

***Senate Bill No. 1927** -- Sunset Laws -- Department of employment security, June 30, 1999. Amends TCA, Title 4, Chs. 3, 5, 29; Title 8, Ch. 30; Title 13, Ch. 13; Title 50, Ch. 7; Title 62, Ch. 29; Title 71, Ch. 3. by *Hicks.

***Senate Bill No. 1936** -- Taxes -- Enacts "Tennessee Taxpayer Bill of Rights". Amends TCA, Title 67, Ch. 1. by *Hicks, *O'Brien, Hamilton, McKnight, Burks.

Senate Bill No. 1990 -- Teenage Pregnancy -- Creates Tennessee Resource Mothers Program. Amends TCA, Title 68. by *Henry, *O'Brien, *Harper, *Person, Springer, Haynes, Crowe, McKnight, Darnell, Crutchfield, Elsea, Dunavant.

Senate Bill No. 2132 -- Food and Food Products -- Provides for the safe and sanitary distribution of lawfully harvested deer meat donated to anti-hunger organizations; limits civil liability of donor and recipient. Amends TCA, Title 53. by *Cohen.

***Senate Bill No. 2439** -- Taxes -- Expands list of persons who can receive copy of decedent's inheritance tax return to include legatee, devisee, or beneficiary of estate; clarifies inheritance tax provisions to apply to persons domiciled in Tennessee rather than residing temporarily. Amends TCA 67-1-1703, 67-8-202, 67-8-303, 304. by *Henry.

***Senate Bill No. 2590** -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for Exchange Club members for \$25.00 fee. Amends TCA, Title 55, Ch. 4. by *Greer, Kyle.

***Senate Bill No. 2605** -- Zoning -- Permits counties to hold elections on zoning regulation questions when authorized by private act. Amends TCA 13-7-115. by *Koella.

Senate Bill No. 2606 -- County Government -- Expands county government's authority to place charges for weed and debris removal on property tax rolls to include owner occupied residential property. Amends TCA, Title 5, Ch. 1; Title 6, Ch. 54. by *McKnight.

***Senate Bill No. 2644** -- Taxes, Sales -- Allows 100 percent tax credit for purchases of pollution control equipment required by state, local or federal law or regulation. Amends TCA, Title 67, Ch. 6. by *Dunavant, *Cohen, Cooper, Hamilton, Elsea, McKnight.

***Senate Bill No. 2691** -- Driver Licenses -- Requires department of safety to put donor authorization form on back of all driver licenses. Amends TCA, Title 55, Ch. 50; Title 68, Ch. 30. by *Wilder, *O'Brien, et al.

Senate Bill No. 2744 -- Development Districts -- Removes floor space requirement that enables businesses to qualify as business facilities within enterprise zones; removes criteria that would prevent such businesses from qualifying for excise tax reimbursement. Amends TCA, Title 13, Ch. 28. by *Harper, Henry.

***Senate Bill No. 2762** -- Sexual Offenses -- Requires person convicted of two or more rapes or aggravated rapes to serve entire sentence imposed by court. Amends TCA, Titles 39-41. by *Koella, *Lawson, Crowe, Jordan, Springer.

***Senate Bill No. 2778** -- Private Investigators -- Raises from

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\$70.00 to \$100 the application fee for private investigators. Amends TCA, Title 62, Ch. 26. by *Greer, Patten.

Senate Bill No. 2816 -- Sewage -- Permits Gordonsville to consider sewer rates as assessments for which lien may attach to real property. Amends TCA, Title 7, Ch. 35, Pt. 2. by *Burks.

ENGROSSED BILLS

April 21, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1934; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 21, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1169, 2336, 2389, 2452, 2581, 2646, 2723, 2825, 2832, and 2833; also, House Joint Resolution(s) No(s). 590, 599, 632, 636, 637, 638, 639, 640, 642, 643, 644, 645, 646, 647, 648, 649, 652, 653, 654, 659 and 662; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

April 21, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Wednesday, April 22, 1992:** House Bill(s) No(s). 2583, 1387, 2503, 2542, 118, 72 and 1651.

We have also set the following bills on the **Regular Calendar** for **Thursday, April 23, 1992:** House Bill(s) No(s). 2357, 2641, 1785, 1786, 1821, 2803, 2433, 1906, 2529, 2058, 2684, 2690, 2521, 1410 and 2548; House Joint Resolution(s) No(s). 517; House Bill(s) No(s). 2484; also, Senate Bill(s) No(s). 1803.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Wednesday, April 22, 1992:** House Bill(s) No(s). 2615, 2634, 1771, 1783, 1797, 1822, 1839, 2787, 1730 and 2785; House Joint Resolution(s) No(s). 589 and 615; House Resolution(s) No(s). 179 and 180; House Bill(s) No(s). 2804 and 2482; House Joint Resolution(s) No(s). 518 and 575; also, Senate Joint Resolution(s) No(s). 404.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

FINANCE, WAYS AND MEANS

April 21, 1992

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2039, 2078, 2131, 2165, 2411, 2672, 2719 and 2759; House Bill(s) No(s). 1014, 1744, 2148, 2515, 2519, 2531, 2603 and 2667 if amended; also, for adoption: House Joint Resolution(s). 35.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 2039, 2078, 2131, 2165, 2411, 2672, 2719 and 2759; House Bill(s) No(s). 1014, 1744, 2148, 2515, 2519, 2531, 2603 and 2667 with amendment(s) also, House Joint Resolution(s) No(s). 35 was/were transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

April 21, 1992

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1672, 1789, 2386, 2387 and 2388.

KING, Chair.

Under the rules, House Bill(s) No(s). 1672, 1789, 2386, 2387 and 2388 was/were transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

April 21, 1992

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2774, 2281 and 2771; House Bill(s) No(s). 2085, 2086, 2087, 1965, 2432, 2436, 2019 and 960 if amended; for adoption: House Joint Resolution(s) No(s). 650 and 651 if amended; also, for concurrence: Senate Joint Resolution(s) No(s). 370.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 342 if amended.

We further report that the following was/were considered but failed to pass: House Bill No(s). 2055.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 2774, 2281 and 2771; House Bill(s) No(s). 2085, 2086, 2087, 1965, 2432, 2436, 2019 and 960 with amendment(s); House Joint Resolution(s) No(s). 650 and 651 with

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amendment(s); also, Senate Joint Resolution(s) No(s). 370 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill No(s). 342 with amendment(s) to the Finance, Ways and Means Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 22, 1992**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, April 23, 1992**: House Bill(s) No(s). 2650, 2457, 1453, 2206, 1447, 1753, 2756, 2725, 1725, 2421, 2249, 1766, 2490, 2584, 1772, 2519, 2085, 2086 and 2087; also, House Joint Resolution(s) No(s). 627.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Thursday, April 23, 1992**: House Bill(s) No(s). 2456, 2455 and 2789; House Joint Resolution(s) No(s). 503, 479, 665, 664, 658 and 657; House Bill(s) No(s). 2393 and 2173; House Resolution(s) No(s). 186; Senate Joint Resolution(s) No(s). 450 and 390; House Bill(s) No(s). 2290; also, House Joint Resolution(s) No(s). 588.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**CONSERVATION AND ENVIRONMENT
April 22, 1992**

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for concurrence: Senate Joint Resolution(s) No(s). 417.

HILLIS, Chair.

Under the rules, Senate Joint Resolution(s) No(s). 417 was/were transmitted to the Calendar and Rules Committee.

**HEALTH AND HUMAN RESOURCES
April 22, 1992**

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2364; also, House Bill(s) No(s). 2369 if amended.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 2219; also House Bill(s) No(s). 2217, 2216 and 2220 if amended.

DIXON, Chair.

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Under the rules, House Bill(s) No(s). 2364; also, House Bill(s) No(s). 2369 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 2219; also, House Bill(s) No(s). 2217, 2216 and 2220 with amendment(s) to the Finance, Ways and Means Committee.

JUDICIARY
April 22, 1992

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2834; for passage if amended: House Bill(s) No(s). 1867 and 2404.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 2184, 2489 and 2835.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 2834; also, House Bill(s) No(s). 1867 and 2404 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 2184, 2489 and 2835 to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Joint Resolution No. 0678 -- Memorials, Interns -- Eric L. Bloom.

House Joint Resolution No. 0679 -- Memorials, Interns -- Amy Elisabeth Ridings.

House Joint Resolution No. 0680 -- Memorials, Professional and Business Achievement -- Dean Jack Harris Howard.

House Joint Resolution No. 0681 -- Memorials, Public Service -- Dr. Francis H. Wright, Jr.

House Bill No. 2854 -- Hamilton County -- Permits pension committee to increase benefits if county provides funding in accordance with actuarial study. Amends Chapter 557, Private Acts of 1939, as amended.

***House Bill No. 2855** -- Kingsport -- Ratifies action in passing ordinance numbers 3524 and 3536 relative to local option retailers sales tax act.

House Bill No. 2856 -- Milan -- Amends charter. Amends Chapter 458, Acts of 1901, as amended.

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***House Bill No. 2615** -- Insurance, Health, Accident -- Authorizes group dental plans for local governments and quasi-government organizations. Amends TCA, Title 8, Ch. 27; Title 56.

***House Bill No. 2634** -- Hazardous Materials -- Makes summary information concerning source reduction activities of waste generators public record. Amends TCA, Title 68, Ch. 46.

On motion, House Bill No. 2634 was made to conform with Senate Bill No. 2753.

On motion, **Senate Bill No. 2753**, on same subject, was substituted for House Bill No. 2634.

House Bill No. 1771 -- Sunset Laws -- Board of cosmetology, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 4.

On motion, House Bill No. 1771 was made to conform with Senate Bill No. 1891.

On motion, **Senate Bill No. 1891**, on same subject, was substituted for House Bill No. 1771.

***House Bill No. 1783** -- Sunset Laws -- Board of funeral directors and embalmers, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 5.

On motion, House Bill No. 1783 was made to conform with Senate Bill No. 1871.

On motion, **Senate Bill No. 1871**, on same subject, was substituted for House Bill No. 1783.

House Bill No. 1797 -- Sunset Laws -- Board of barber examiners, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 3.

On motion, House Bill No. 1797 was made to conform with Senate Bill No. 1872.

On motion, **Senate Bill No. 1872**, on same subject, was substituted for House Bill No. 1797.

House Bill No. 1822 -- Sunset Laws -- Department of employment security, June 30, 1999. Amends TCA, Title 4, Chs. 3, 5, 29; Title 8, Ch. 30; Title 13, Ch. 13; Title 50, Ch. 7; Title 62, Ch. 29; Title 71, Ch. 3.

House Bill No. 1839 -- Sunset Laws -- Board of pharmacy, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 39, Ch. 17; Title 53, Chs. 10, 11, 14; Title 56, Ch. 1; Title 63, Chs. 8, 10; Title 68, Ch. 52.

On motion, House Bill No. 1839 was made to conform with Senate Bill No. 1856.

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On motion, **Senate Bill No. 1856**, on same subject, was substituted for House Bill No. 1839.

House Bill No. 2787 -- Highways, Roads and Bridges -- Authorizes county legislative body of Hardin County to locate highway department beyond limits of county town but within boundaries of county. Amends TCA 5-7-105.

House Bill No. 1730 -- Highway Signs -- "W. Atlas Turner Memorial Bridge," Madison County.

***House Bill No. 2785** -- Drugs -- Requires department of safety to monitor DARE programs to ensure that instructors are qualified and materials used are comparable to curriculum implemented by state board of education. Amends TCA, Title 49, Ch. 1, Pt. 4.

House Joint Resolution No. 0589 -- Naming and Designating -- "Tennessee State Employee Week," June 14 - June 20, 1992.

House Joint Resolution No. 0615 -- Naming and Designating -- "Allen E. Williams Armory," National Guard Armory, Huntingdon.

***House Resolution No. 0179** -- General Assembly, Confirmation of Appointment -- Michael S. Lacy, Tennessee Claims Commission.

***House Resolution No. 0180** -- General Assembly, Confirmation of Appointment -- Ed Murray, Tennessee Claims Commission.

House Bill No. 2804 -- Correctional Programs -- Increases maximum age of offender in special alternative incarceration program from 30 to 35. Amends TCA 40-20-203.

On motion, House Bill No. 2804 was made to conform with Senate Bill No. 2802.

On motion, **Senate Bill No. 2802**, on same subject, was substituted for House Bill No. 2804.

***House Bill No. 2482** -- Day Care -- Enacts "Prescribed Child Care Center Regulatory Act of 1992". Amends TCA, Titles 4, 68, 71.

***House Joint Resolution No. 0518** -- Memorials, Government Officials -- Requests department of health to petition Congress and department of health and human services to permit reimbursement of residential and institutional care homes for Medicare and Medicaid eligible patients.

***House Joint Resolution No. 0575** -- General Assembly, Directed Studies -- Urges department of mental health and mental retardation to establish study group to investigate feasibility of establishing certification program for staff of community mental retardation programs.

***Senate Joint Resolution No. 0404** -- Highway Signs -- "Governor DeWitt Clinton Senter Parkway," S.R. 160.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1730; by Rep. Sipes.

House Bill No. 1822; by Rep. King.

Under the rules, House(s) Bill(s) No(s). 1730 and 1822 was/were placed at the foot of the calendar for Thursday, April 23, 1992.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Davis (Gibson), Knight -- 2.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 697 out of order, which motion prevailed.

House Joint Resolution No. 0697 -- Memorials, Public Service -- 1992 recipients of Community Service award. by *Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Love, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 698 out of order, which motion prevailed.

House Joint Resolution No. 0698 -- Memorials, Public Service -- Recipients of 1992 Community Service award. by *Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Love, the resolution was adopted by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom,

Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1800 -- Sunset Laws -- Institute for African and Caribbean affairs, June 30, 1995.

Further consideration of House Bill No. 1800, previously considered on March 5 and 12, 1992, at which time it was re-referred to the Calendar and Rules Committee. On April 15, 1992 the Committee placed the bill on the Calendar for April 22, 1992.

Rep. King moved that House Bill No. 1800 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1800 by adding the following new sections to precede the effective date section:

SECTION _____. (a) Tennessee Code Annotated, Section 4-38-101(b), is amended by deleting item (4) in its entirety and by substituting instead the following:

(4) The board shall elect annually a chairman from its members.

(b) Tennessee Code Annotated, Section 4-38-101(b)(1), is amended by deleting subdivisions (C) and (D) in their entirety and by substituting instead the following:

(C) Two (2) members to be appointed by the speaker of the senate;

(D) Two (2) members to be appointed by the speaker of the house of representatives;

(c) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by deleting the second sentence in item (E) in its entirety.

(d) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by adding the following as new item (E), and by relettering the existing item (E) accordingly:

(E) One (1) member to be elected by the senate as a whole, and one (1) member to be elected by the house of representatives as a whole.

(e) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by adding a new item thereto, as follows:

(G) The terms of board members, except the commissioner of economic and community development and the president of Tennessee State University, shall be two (2) years. No member, except the commissioner of economic and community development and the president of Tennessee State University, shall serve more than one (1) term.

(f) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by deleting the word and figure "seven (7)" and by substituting instead the word and figure "nine (9)".

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 38, is amended by adding a new section thereto, as follows:

SECTION _____. The department of agriculture and the department of business specialists in Tennessee State University are directed to assist the institute in fostering economic and business trade with the countries of Africa.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 38, is amended by adding a new section thereto, as follows:

SECTION _____. The institute shall prepare and distribute to the governor and to each member of the general assembly by February 1 of each year a report of its activities and expenditures for the prior year.

SECTION 4. Tennessee Code Annotated, Section 4-38-101, is amended by adding the following as new subsection (e) and by relettering the existing subsection (e) and subsequent subsections accordingly:

(e) The board shall meet at least once every two (2) months to review the activities of the institute and to establish current goals and objectives for the institute.

SECTION 5. Tennessee Code Annotated, Title 4, Chapter 38, is amended by adding the following as a new section thereto:

SECTION _____. The institute is directed to work with the following entities in order to better fulfill its mission and purpose:

(1) Tennessee Office of Minority Business Enterprise;

- (2) The Nashville Business Development Center;
- (3) The Memphis Business Development Center; and
- (4) The Nashville Business Incubation Center.

SECTION 6. The provision relative to the length of terms of members of the board shall take effect October 1, 1992, the public welfare requiring it. The provisions of this section shall only apply when vacancies in the board occur. Nothing in this act shall be construed as abridging or limiting the term of any board member prior to the end of the term for which he was appointed. All other provisions of this act shall take effect July 1, 1992, the public welfare requiring it.

On request of Rep. King, House Bill No. 1800 was moved 20 places down the calendar.

House Bill No. 2764 -- Private Investigators -- Raises from \$70.00 to \$100 the application fee for private investigators. Amends TCA, Title 62, Ch. 26.

Further consideration of House Bill No. 2764, previously considered on April 8 and 15, 1992, at which time it was reset to the Calendar for April 22, 1992.

On motion, House Bill No. 2764 was made to conform with Senate Bill No. 2778.

On motion, **Senate Bill No. 2778**, on same subject, was substituted for House Bill No. 2764.

Rep. Haun moved that **Senate Bill No. 2778** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. Haun moved that **Senate Bill No. 2778** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis,

WEDNESDAY, APRIL 22, 1992 -- EIGHTY-SEVENTH LEGISLATIVE DAY

Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Arriola, Phillips, Robinson (Davidson), West -- 4.

A motion to reconsider was tabled.

House Bill No. 2668 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for Exchange Club members for \$25.00 fee. Amends TCA, Title 55, Ch. 4.

Further consideration of House Bill No. 2668, previously considered on the Consent Calendar for April 6, 1992, at which time it was reset to the Calendars for April 8, 15 and 22, 1992.

On motion, House Bill No. 2668 was made to conform with Senate Bill No. 2590.

On motion, **Senate Bill No. 2590**, on same subject, was substituted for House Bill No. 2668.

Rep. Haun moved that **Senate Bill No. 2590** be passed on third and final consideration.

Rep. West moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 2590 by adding the following to the amendatory language of Section 1:

() Penn State University Alumnus

AND FURTHER AMEND by adding the following to the end of the amendatory language of Section 2:

() Penn State University Alumnus - twenty-five dollars (\$25.00).

AND FURTHER AMEND by adding the following new sections to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following new section thereto:

Section 55-4-2__.

(a) Owners or lessees of motor vehicles who are residents of the state of Tennessee and who are certified as alumni of Penn State University, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in Section 55-4-203 shall be issued a special license plate, either for an automobile, or a truck of one-half (1/2) or three-quarter (3/4) ton rating.

(b) The application for such license plates shall be accompanied by proof satisfactory to the commissioner certifying the applicant to be an alumnus of such university.

(c) The special plates provided for in this section shall be issued in conformity with the provisions of Section 55-4-202, shall be of the colors and contain the logo of Penn State University, and shall be designed in consultation with the director of the motor vehicle division and the department of revenue. The special plates shall include a unique identifying number, whereby the total characters do not exceed the sum of seven (7); provided, however, that no two (2) recipients shall receive identical plates.

(d)

(1) The provisions of this section shall not be construed to mean that any eligible person shall be prevented from exchanging a regular type plate for one (1) of special design, provided the fees prescribed under Section 55-4-203 are paid.

(2) The whole or parts of the fee for a special registration plate shall not be refunded for the exchange of a regular plate.

(e) Additional special license plates may be obtained by any eligible person upon payment of the regular license fee for plates, as prescribed under Section 55-4-111, plus the payment of the fee prescribed in Section 55-4-203.

(f)

(1) Special plates issued pursuant to this section may be transferred to another vehicle of the same weight class owned or leased by the same person upon proper application being made therefor and approved by the department of revenue.

(2) It shall be unlawful for any person to whom such plates have been issued to knowingly permit them to be displayed on any vehicle, except such as authorized by the department.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Haun moved that Senate Bill No. 2590, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	79
Noes.	7
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas, Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Bragg, Callicott, Head, Joyce, Severance, Walley, Williams (Union) -- 7.

Representatives present and not voting were: Fowlkes, Jackson, Nuber, Pinion, Shirley, Wix -- 6.

A motion to reconsider was tabled.

Senate Bill No. 2704 -- Forest and Forest Products -- Defines "current market value" as standing timber before it is cut where civil liability attaches for negligent cutting of timber from property of another. Amends TCA, Title 43, Ch. 28, Pt. 3.

Further consideration of Senate Bill No. 2704, previously considered on April 20, 1992, at which time it was substituted for House Bill No. 2553 and reset to the Calendar for April 22, 1992.

Rep. Givens moved that **Senate Bill No. 2704** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1875 -- District Attorneys -- Authorizes part time employees of executive secretary to district attorneys' conference to practice law. Amends TCA 8-7-311.

On motion, House Bill No. 1875 was made to conform with Senate Bill No. 1969.

On motion, **Senate Bill No. 1969**, on same subject, was substituted for House Bill No. 1875.

Rep. Hargrove moved that **Senate Bill No. 1969** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hargrove moved that **Senate Bill No. 1969** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

***House Bill No. 1378 -- Funeral Directors and Embalmers --**
Requires continuing education for renewal of funeral director license. Amends TCA, Title 62, Ch. 5.

Rep. Turner (Hamilton) moved that House Bill No. 1378 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1378 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-305, is amended by deleting subdivision (6) from subsection (a) and substituting instead the following new subdivision:

(6) (A) A graduate of a course in funeral directing of no less than thirty (30) semester hours in length from a school with a curriculum approved by the board and the American Board of Funeral Service Education for Funeral Directing; and

(B) A person having no less than twelve (12) months of practical experience and training as a full time employee of a funeral establishment under the personal supervision of a funeral director, both of which are licensed by the board, and having assisted with no less than twenty-five (25) funerals during such period.

SECTION 2. Tennessee Code Annotated, Section 62-5-307, is amended by deleting subsection (c) in its entirety and substituting instead the following new subsection (c):

(c) Such applicant shall, before making application for license, have satisfactorily completed an embalmer's course of study no less than thirty (30) semester hours in length, including the art and science of embalming, restorative art, and disinfection and sanitation, at a school with a curriculum approved by the board and the American Board of Funeral Service Education for Embalming and shall have served an apprenticeship of no less than twelve (12) months as a full time employee of a funeral establishment licensed by the board under the personal supervision of an embalmer licensed by the board.

SECTION 3. Tennessee Code Annotated, Section 62-5-315, is amended by deleting subsection (a) in its entirety and substituting instead the following new subsection (a):

(a) All licenses issued to funeral directors or embalmers, as provided herein, shall be renewed in each even-numbered year, at a fee set by the board, provided the licensee has satisfactorily complied with all other renewal requirements established by rules of the board, subject to the provisions of this chapter.

SECTION 4. This act shall take effect on July 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved that House Bill No. 1378 be reset to the last calendar of 1992, which motion prevailed.

***House Resolution No. 0131 -- General Assembly, Studies --**
Creates committee to study proprietary schools.

Rep. Dixon moved that House Resolution No. 131 be adopted.

Rep. DeBerry moved to amend as follows:

Amendment No. 1

AMEND House Resolution No. 131 by deleting all language of the resolution and by substituting instead the following:

A RESOLUTION relative to special legislative committees.

I.

WHEREAS, many Tennesseans view an education from a proprietary school as a means of further career advancement; and

WHEREAS, due to the lack of regulations and scrutiny in the accreditation process, proprietary schools are not difficult to establish; and

WHEREAS, under current regulations, proprietary schools are not required to refund tuition, grants or loans when a student withdraws from the school and the student is required to pay the loans and may become ineligible for further Pell grants; and

WHEREAS, many proprietary schools mislead or exaggerate availability of employment opportunities for

their graduates by claiming advancement in certain careers upon completion of their studies; and

WHEREAS, it is the duty of this general assembly to protect the interests and well-being of the citizens of this state; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That there is hereby created a special committee to study proprietary schools relative to establishing regulations concerning accreditation, refunds of students' tuition and grants, and disclosure of potential career opportunities upon graduation.

BE IT FURTHER RESOLVED, That the committee's study of proprietary schools shall include, but not be limited to, cosmetology schools, barber schools, and other proprietary schools not regulated by the Tennessee higher education commission.

BE IT FURTHER RESOLVED, That the committee shall consist of five (5) members of the house of representatives to be appointed by the speaker.

BE IT FURTHER RESOLVED, That the organizational meeting of the committee shall be convened by the member with the longest period of continuous service in the general assembly and, at such meeting, the committee shall elect from its membership a chair, vice chair, and such other officers as the committee shall deem necessary.

BE IT FURTHER RESOLVED, That all legislative members of the special committee shall remain members of such committee until the committee reports its findings and recommendations to the general assembly and shall be paid as members of the general assembly are paid for attending meetings as provided in Tennessee Code Annotated, Section 3-1-106.

BE IT FURTHER RESOLVED, That the special committee shall timely report its findings and recommendations, including any proposed legislation, to the 1993 general assembly; and, upon reporting such findings and recommendations, the committee shall cease to exist.

II.

WHEREAS, each year hundreds of thousands of working Tennesseans purchase consumer goods from professional retail dealers who sell such goods subject to the "as is" warranty; and

WHEREAS, many if not most working Tennesseans lack the educational and technical expertise necessary to adequately evaluate the condition and suitability of complex consumer goods like automobiles and, therefore, fall easy prey to unscrupulous retail dealers who may use the "as is" warranty as a device to shield themselves from liability while knowingly selling to unwary consumers merchandise with hidden damage or defects; and

WHEREAS, it is appropriate for the house of representative to review the history, use, necessity, and suitability of the "as is" warranty in cases involving professional retail dealers of complex consumer goods; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That there is hereby created a special committee to study the history, use, necessity, and suitability of the "as is" warranty by professional retail dealers of automobiles and other complex consumer goods.

BE IT FURTHER RESOLVED, That the committee shall consist of five (5) members of the house of representatives to be appointed by the speaker, with at least one member appointed from the membership of each of the following standing committees: commerce, consumer and labor affairs, general welfare, and judiciary.

BE IT FURTHER RESOLVED, That the organizational meeting of the committee shall be convened by the member with the longest period of continuous service in the general assembly and, at such meeting, the committee shall elect from its membership a chair, vice chair, and such other officers as the committee shall deem necessary.

BE IT FURTHER RESOLVED, That all legislative members of the special committee shall remain members of such committee until the committee reports its findings and recommendations to the general assembly and shall be paid as members of the general assembly are paid for attending meetings as provided in Tennessee Code Annotated, Section 3-1-106.

BE IT FURTHER RESOLVED, That the special committee shall timely report its findings and recommendations, including any proposed legislation, to the 1993 general assembly; and, upon reporting such findings and recommendations, the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, Rep. Dixon moved that **House Resolution No. 131**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 2498** -- Traffic Safety -- Prohibits driving in right hand lane within 500 feet of highway patrol officer parked on right shoulder with blue flashing lights on. Amends TCA, Title 55, Ch. 8, Pt. 1.

Further consideration of House Bill No. 2498, previously considered on April 13, 15 and 16, 1992. On April 16, Amendment No. 1 was adopted and the bill was reset to the Calendar for April 22, 1992.

Rep. Robinson (Davidson) moved that House Bill No. 2498, as amended, be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

***House Resolution No. 0159** -- General Assembly, Review Or Ratification of Rules -- Approves amendments to Rules of Civil Procedure.

Further consideration of House Resolution No. 159, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 22, 1992.

Rep. Purcell moved that House Resolution No. 159 be adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 159 by inserting between the

second and third preamble clause the following new preamble clause:

WHEREAS, on April 7, 1992, the Supreme Court filed an order withdrawing the amendment to Rule 15.02, captioned "Amendment to Conform to the Evidence"; and

AND FURTHER AMEND by adding the following new language to the end of the resolving clause:

with the exception of the amendment to Rule 15.02 which was withdrawn on April 7, 1992

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Resolution No. 159**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Nuber, Robinson (Washington) -- 2.

A motion to reconsider was tabled.

House Bill No. 2462 -- Public Service Commission -- Requires candidates to be qualified voters in grand division from which seek election. Amends TCA 65-1-102.

Further consideration of House Bill No. 2462, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 22, 1992.

On motion, House Bill No. 2462 was made to conform with Senate Bill No. 2553.

On motion, Senate Bill No. 2553, on same subject, was substituted for House Bill No. 2462.

Rep. Moore moved that Senate Bill No. 2553 be passed on third and final consideration.

Rep. Hubbard moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2553 by adding the following new sections immediately preceding the effective date section and renumbering the sections accordingly:

Section _____. Tennessee Code Annotated, Section 65-1-102, is amended by designating the present language as subsection (a) and adding the following new subsection (b):

(b) Notwithstanding any provision of law to the contrary, beginning at the next regular election of a commissioner following the expiration of the incumbent commissioners' terms, each commissioner shall be elected by the qualified voters of the grand division of which he is a resident.

In establishing such divisions the state election coordinator shall comply with the Voting Rights Act of 1965, as amended, 42 U.S.C.A. §§1971, 1973, to insure minority participation will not be diluted, and no counties shall be split.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Rhinehart moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.	53
Noes.	38
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Love, Moore, Napier, Odom, Phillips, Pinion, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Pruitt, Robinson (Washington), Severance, Shirley, Sipes, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 38.

Representatives present and not voting were: Knight -- 1.

Thereupon, Rep. Moore moved that **Senate Bill No. 2553** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	13
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Allen, Anderson, Bittle, Bivens, Callicott, Chiles, Coffey, Harrill, Haun, Hubbard, Nuber, Robinson (Washington), Stamps -- 13.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

***House Bill No. 2029** -- Food and Food Products -- Provides for the safe and sanitary distribution of lawfully harvested deer meat donated to anti-hunger organizations; limits civil liability of donor and recipient. Amends TCA, Title 53.

Further consideration of House Bill No. 2029, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 22, 1992.

On motion, House Bill No. 2029 was made to conform with Senate Bill No. 2132.

On motion, **Senate Bill No. 2132**, on same subject, was substituted for House Bill No. 2029.

Rep. Chumney moved that **Senate Bill No. 2132** be passed on third and final consideration.

Rep. Dixon withdrew Health and Human Resources Committee Amendments Nos. 1 and 2.

Thereupon, Rep. Chumney moved that **Senate Bill No. 2132**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Bittle -- 1.

A motion to reconsider was tabled.

***House Bill No. 0126 -- Welfare --** Makes misuse of names of persons receiving old age assistance Class B misdemeanor. Amends TCA, Title 71.

Rep. Odom moved that House Bill No. 126 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Odom moved to amend as follows:

Amendment No. 2

Amend House Bill No. 126 by deleting all the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 71, Section 5, Part 121, is amended by adding Section 2 as a new part regarding provider responsibilities.

Section 2. No change of ownership or controlling interest of an existing medicaid provider, including but not limited to: hospitals, nursing home facilities, home health agencies, and pharmacies, can occur until monies as may be owed to medicaid are provided for. The purchaser shall notify medicaid of the purchase at the time of ownership change and is financially liable for the outstanding liabilities to medicaid for one (1) year from the date of purchase or for one (1) year following medicaid's receipt of the provider's medicare final notice of program reimbursement, whichever is later. The purchaser shall be entitled to utilize any means available to it by law to secure and recoup these funds from the selling entity. In addition, purchasers of nursing facilities are responsible for obtaining an accurate accounting and transfer of funds held in trust for medicaid residents at the time of the change of ownership or controlling interest.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Odom moved that House Bill No. 126 be reset to the Calendar for April 28, 1992, which motion prevailed.

House Bill No. 1000 -- Ethics -- Prohibits acceptance of honoraria by public officials and employees. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6.

Rep. Jackson moved that House Bill No. 1000 be reset to the last Calendar of 1992, which motion prevailed.

***Senate Joint Resolution No. 0331 --** Constitutional Amendments -- Proposes amendment to Art. XI, Sec. 5, relative to income taxation and lotteries.

Further consideration of Senate Joint Resolution No. 331, previously considered on April 20, 1992, at which time it was substituted for House Joint Resolution No. 547, and passed First Reading.

Rep. Chumney requested that Senate Joint Resolution No. 331, be considered for Second Reading.

The Clerk read the resolution as proscribed by Article XI, Section 3 of the Constitution. Mr. Speaker Naifeh declared that Senate Joint Resolution No. 331 had passed Second Reading.

House Bill No. 2401 -- Accountants -- Revises composition of state board of accountancy. Amends TCA, Title 62, Ch. 1, Pt. 1.

Rep. Bragg moved that House Bill No. 2401 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2401 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 62-1-105, is amended by deleting in subsection (c) the first sentence thereof in its entirety and substituting instead the following:

The board shall retain a licensed certified public accountant as executive director, an administrator and such other staff members as the board may deem necessary or proper and shall fix the compensation of each to be paid by the board.

AND FURTHER AMEND by deleting in the second sentence of such subsection (c) the word "secretary" and substituting instead the word "director".

AND FURTHER AMEND by redesignating current Section 2 as Section 3 and adding a new Section 2 as follows:

Section 2. Tennessee Code Annotated, Section 62-1-105, is amended by adding the following new subsection:

(d) The board, in order to keep informed regarding the practice of accounting throughout the country and the regulation thereof by the various states, may designate its director and a member or members of the board to attend, at the expense of the board, annual national and regional meetings and any special meetings of the national association of state boards of accounting.

Rep. Bragg moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 2401 by deleting in its entirety the new Section 2 adding a new subsection (d) to Tennessee Code Annotated, Section 62-1-105 added by Government Operations Committee Amendment 1.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. King renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Bragg moved that **House Bill No. 2401**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Joint Resolution No. 0622** -- General Assembly, Studies -- Creates committee to study imposition of annual registration tax on certain freight motor vehicles.

Further consideration of House Joint Resolution No. 622, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 22, 1992.

Rep. Crain moved that House Joint Resolution No. 622 be adopted, which motion prevailed by the following vote:

Ayes.	83
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 83.

Representatives present and not voting were: Givens, Walley -- 2.

A motion to reconsider was tabled.

House Joint Resolution No. 0676 -- Memorials, Heroism -- Travis Johnson.

Further consideration of House Joint Resolution No. 676, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 22, 1992.

Rep. Ridgeway, with the request that all members voting aye be added as sponsors, moved that House Joint Resolution No. 676 be adopted, which motion prevailed by the following vote:

Ayes.	89
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

House Bill No. 1879 -- Estates -- Reclassifies priority of claims against estate of deceased person to include reasonable funeral and burial expenses among those costs which enjoy first priority for payment; such expenses currently classified as third priority. Amends TCA 30-2-317.

Rep. Byrd moved that **House Bill No. 1879** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 2583 -- Taxes, Sales -- Allows 100 percent tax credit for purchases of pollution control equipment required by state, local or federal law or regulation. Amends TCA, Title 67, Ch. 6.

On motion, House Bill No. 2583 was made to conform with Senate Bill No. 2644.

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On motion, **Senate Bill No. 2644**, on same subject, was substituted for House Bill No. 2583.

Rep. Kisber moved that **Senate Bill No. 2644** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones U (Shelby), Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

House Bill No. 1387 -- Pensions and Retirement Benefits -- Allows establishment of retirement credit by members participating in TCRS through employment with certain political subdivisions. Amends TCA, Title 8, Ch. 35, Pt. 2.

On motion, House Bill No. 1387 was made to conform with Senate Bill No. 976.

On motion, **Senate Bill No. 976**, on same subject, was substituted for House Bill No. 1387.

Rep. Rhinehart moved that **Senate Bill No. 976** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 976 by deleting from the amendatory language in Section 1 the figure "1992" in subdivision (6), and by substituting instead the figure "1993".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart moved that **Senate Bill No. 976**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	0
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Herron, Holcomb, Hubbard, Venable -- 4.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2503** -- Pardons and Paroles -- Establishes parole eligibility review board. Amends TCA, Title 40, Ch. 35, Pt. 6.

Rep. Armstrong moved that House Bill No. 2503 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2503 by deleting from Section 1 of the introduced bill, the language in §40-35-601(a)(1), and by substituting instead the following language:

40-35-601(a)(1) There is created in this state the Parole Eligibility Review Board to be composed of five (5) members to be appointed by the commissioner of correction as follows: a private citizen to serve as chair of the Board; one (1) member who is an active or retired trial judge of a court having criminal jurisdiction recommended by the judicial conference; one (1) member who is an active or retired district attorney general recommended by the district attorneys general conference; one (1) member who is a practicing attorney having substantial current experience representing criminal defendants recommended jointly by TACDL and the Tennessee Trial Lawyers Association; and one (1) member recommended by a victim's rights organization to be designated by the chairman of the board of paroles. No more than two (2) members shall reside in each of the Grand Divisions of the State of Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Herron moved the previous question, which motion he then withdrew.

Rep. Armstrong moved that House Bill No. 2503, as amended, be passed on third and final consideration.

On request of Rep. Armstrong, House Bill No. 2503 was moved five places down on the Calendar.

House Bill No. 2542 -- Firearms and Ammunition -- Authorizes local governments to charge a reasonable fee for conducting investigation to determine whether a firearm may lawfully be sold to potential purchaser. Amends TCA, Title 39, Ch. 17, Pt. 13.

Rep. Odom moved that House Bill No. 2542 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2542 by deleting the amendatory language of SECTION 1 and substituting instead the following:

The legislative body of a metropolitan government having a population in excess of two hundred thousand (200,000) according to the 1990 federal census or any subsequent census may establish a reasonable fee to be charged for the investigation and other costs incurred in determining that the purchaser is not one of those listed in subsection (a) as prohibited from legal sale of a firearm. Such fee must be directly related to the actual costs incurred by the sheriff's office or police department in conducting such investigation.

Rep. Robinson (Davidson) moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved passage of **House Bill No. 2542** on third and final consideration, which motion failed by the following vote:

Ayes.	20
Noes.	47
Present and not voting.	17

Representatives voting aye were: Bragg, Byrd, Chiles, Collier, Cross, Halteman, Herron, Kernell, King, Knight, Love, Odom, Purcell, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Williams (Shelby), Wix, Mr. Speaker Naifeh -- 20.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Buck, Callicott, Clark, Coffey, Cole, Davidson, Davis (Cocke), Davis (Knox), Ferguson, Givens, Gunnels, Harrill, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Kent, Liles, McAfee, Meyer, Moore, Niceley, Peroulas Draper, Phillips, Pinion, Robinson (Washington), Severance, Shirley, Venable, Walley, West, Williams (Union), Windle, Winningham, Wood -- 47.

Representatives present and not voting were: Chumney, Crain, Duer, Fowlkes, Haley, Hassell, Jones U (Shelby), Napier, Nuber, Pruitt, Rhinehart, Rigsby, Rinks, Stamps, Tindell, Tullos, Whitson -- 17.

MOTION TO RECONSIDER

Rep. Clark moved to reconsider our action on House Bill No. 2542, which motion prevailed.

Thereupon, Rep. Clark requested that House Bill No. 2542 be moved to the heel of the Calendar.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0118** -- Professions and Occupations -- Makes violation of Private Investigators Licensing and Regulatory Act

Class C misdemeanor. Amends TCA, Title 62.

Rep. Odom moved that House Bill No. 118 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1800 -- Sunset Laws -- Institute for African and Caribbean affairs, June 30, 1995.

Having been discussed earlier today, Rep. Love moved that **Amendment No. 1** be withdrawn, which motion prevailed.

Rep. Armstrong moved that Amendment No. 1 to Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Love moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 1800 by adding the following new sections to precede the effective date section:

SECTION ____. (a) Tennessee Code Annotated, Section 4-38-101(b), is amended by deleting item (4) in its entirety and by substituting instead the following:

(4) The board shall elect annually a chairman from its members; and no chairman can service more than two (2) consecutive terms.

(b) Tennessee Code Annotated, Section 4-38-101(b)(1), is amended by deleting subdivisions (C) and (D) in their entirety and by substituting instead the following:

(C) Two (2) members to be appointed by the speaker of the senate;

(D) Two (2) members to be appointed by the speaker of the house of representatives;

(c) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by deleting the second sentence in item (E) in its entirety.

(d) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by adding the following as new item (F):

(F) At least one (1) member from each grand division.

(e) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by adding the following as new item (G):

(G) At least one (1) member from a racial minority.

(f) Tennessee Code Annotated, Section 4-38-101(b)(1), is further amended by adding a new item thereto, as follows:

(G) The terms of board members, except the commissioner of economic and community development and the president of Tennessee State University, shall be four (4) years. No member, except the commissioner of economic and community development and the president of Tennessee State University, shall serve more than one (1) term.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 38, is amended by adding a new section thereto, as follows:

SECTION _____. The department of agriculture and the department of business specialists in Tennessee State University are requested to assist the institute in fostering economic and business trade with the countries of Africa.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 38, is amended by adding a new section thereto, as follows:

SECTION _____. The institute shall prepare and distribute to the governor and to each member of the general assembly by February 1 of each year a report of its activities and expenditures for the prior year.

SECTION 4. Tennessee Code Annotated, Section 4-38-101, is amended by adding the following as new subsection (e) and by relettering the existing subsection (e) and subsequent subsections accordingly:

(e) The board shall meet at least once every two (2) months to review the activities of the institute and to establish current goals and objectives for the institute.

SECTION 5. The provision relative to the length of terms of members of the board shall take effect October 1, 1992, the public welfare requiring it. The provisions of this section shall only apply when vacancies in the board occur. Nothing in this act shall be construed as abridging or limiting the term of any board member prior to the end of the term for which he was appointed. All other provisions of this act shall take effect July 1, 1992, the public welfare requiring it.

SECTION 6. Tennessee Code Annotated, Section 4-38-101, is amended by adding the following as a new subsection:

() The chairman of the board must authorize the use of state owned vehicles by staff persons working for the institute.

On motion, Amendment No. 2 was adopted.

Rep. Arriola moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. King moved that House Bill No. 1800, as amended, be passed on third and final consideration.

Rep. Allen moved that House Bill No. 1800 be re-referred to the Calendar and Rules Committee.

Rep. Davis (Gibson) moved to table the motion to re-refer, which motion prevailed by the vote:

Ayes.	45
Noes.	40
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bivens, Bragg, Buck, Byrd, Chumney, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Givens, Herron, Hillis, Holt, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Love, Moore, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Wix, Mr. Speaker Naifeh -- 45.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Johnson, Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Williams (Union), Wood -- 40.

Representatives present and not voting were: Napier, Tindell -- 2.

Rep. Davis (Gibson) moved to amend as follows:

Amendment No. 4

Amend House Bill No. 1800 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The chairman of the board shall each year personally appear before the house agriculture committee to report on activities of the prior year including, but not limited to: trading activities,

commercial activities, and funds expended.

Rep. Severance moved the previous question, which motion prevailed.

On motion, Amendment No. 4 was adopted.

Rep. Davis (Gibson) moved the previous question, which motion failed by the following vote:

Ayes.	52
Noes.	35

Representatives voting aye were: Armstrong, Arriola, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Givens, Hassell, Head, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McKee, Moore, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Windle, Wood -- 52.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Haun, Herron, Hill, Holcomb, Hubbard, Joyce, Knight, Liles, McDaniel, Meyer, Napier, Niceley, Nuber, Peroulas Draper, Rinks, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Williams (Shelby), Williams (Union) -- 35.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes.	75
Noes.	13

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Holcomb, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Union), Windle, Wix, Wood -- 75.

Representatives voting no were: Callicott, Harrill, Haun, Herron, Hill, Hubbard, Jackson, Joyce, Liles, Meyer, Peroulas Draper, Venable, Williams (Shelby) -- 13.

Thereupon, Rep. King moved passage of House Bill No. 1800 on

third and final consideration, which motion failed by the following vote:

Ayes.	46
Noes.	40
Present and not voting.	6

Representatives voting aye were: Armstrong, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Head, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McKee, Moore, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Sipes, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Wix, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Allen, Anderson, Bittle, Bivens, Callicott, Chiles, Coffey, Curlee, Davidson, Duer, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Johnson, Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Rinks, Robinson (Washington), Severance, Shirley, Stamps, Tullos, Venable, Williams (Union), Wood -- 40.

Representatives present and not voting were: Arriola, Haley, Huskey, Jackson, Napier, Tindell -- 6.

Pursuant to Rule No. 39, House Bill No. 1800, having failed to receive a Constitutional majority, was re-referred to the Calendar and Rules Committee.

House Bill No. 0072 -- Noise Pollution -- Exempts persons using or operating sport shooting ranges from rules, regulations and ordinances. Amends TCA, Title 39.

Rep. Odom moved that House Bill No. 72 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

***House Bill No. 1651 -- Teenage Pregnancy -- Creates Tennessee Resource Mothers Program. Amends TCA, Title 68.**

On motion, House Bill No. 1651 was made to conform with Senate Bill No. 1990.

On motion, **Senate Bill No. 1990**, on same subject, was substituted for House Bill No. 1651.

Rep. Pruitt moved that **Senate Bill No. 1990** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1990 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Pruitt moved that **Senate Bill No. 1990**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2816** -- Hospitals and Health Care Facilities -- Extends termination date of annual nursing home services fee and hospital services fee from June 30, 1992 to September 30, 1992. Amends TCA, Title 33, Ch. 2; Titles 63, 67; Title 68, Ch. 11; Title 71, Ch. 5.

Further consideration of House Bill No. 2816, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 22, 1992.

Rep. Purcell moved that House Bill No. 2816 be passed on third and final consideration.

Rep. Purcell moved that **Amendment No. 1** be withdrawn and that

Amendment No. 13 be substituted, which motion prevailed.

Rep. Purcell moved to amend as follows:

Amendment No. 13

AMEND House Bill No. 2816 by deleting Sections 2 and 4 of the amendatory language, renumbering the remaining sections accordingly, and adding the following new sections:

SECTION 3. Title 67 of the Tennessee Code Annotated is amended by adding a new chapter as follows:

SECTION _____. This chapter shall be known as the "Services Tax Act", and the tax imposed by this chapter shall be in addition to all other privilege taxes.

SECTION _____. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Amusement Service" means those amusements taxed at Section 67-6-212;

(2) "Business" shall have the definition provided at Section 67-6-102;

(3) "Commissioner" means and includes the commissioner of revenue, or the commissioner's duly authorized assistants;

(4) "Dealer" means every person, as used in this chapter, who engages in any of the privileges taxable under this chapter;

(5) "Gross charge" means the sum total of all charges made for services taxable under this chapter, without any deduction whatsoever of any kind or character, except that it shall not include government and nongovernment contractual adjustments. "Gross charge" includes any charge for tangible personal property transferred incidental to the sale unless such transfer is a sale of tangible personal property subject to tax under Section 67-6-202. "Gross charge" does not include any federal excise tax which is required by law to be passed on to the ultimate consumer and which is paid by the ultimate consumer. "Gross charge" does not include local sales tax collected from the consumer and does not include the tax imposed by this chapter, if separately itemized and collected from the consumer;

(6) "Government contractual adjustments" means the difference between the gross charges

for services provided to a person who is enrolled in a government program and the payment made by the respective government program but excluding any obligation of the person for deductible, and coinsurance or any other payments;

(7) "Hospital" shall have the definition provided at Section 68-11-201 except that it shall include hospitals and institutions operated by the department of mental health and mental retardation, specially intended for use in the diagnosis, care and treatment of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions;

(8) "Nongovernment contractual adjustments" means the total amount of discount given to any business, person, insurance company, hospital and medical service corporation, and/or employer because of the volume of business and promptness of payment which the dealer expects as a result of a contractual agreement;

(9) "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, governmental agency or political subdivision and any other group or combination acting as a unit, in the plural as well as the singular and includes any entity whether acting for profit or not for profit;

(10) "Psychiatric hospital" shall have the definition provided at Section 68-11-102;

(11) "Service" means health services provided by hospitals, psychiatric hospitals, ambulatory surgical treatment centers and those services listed at Section 67-6-102(22)(F), but not including interstate telecommunication services;

(12) "Telecommunication" shall have the definition provided at Section 67-6-102;

(13) "Health service" means any clinically related services provided to patients, including diagnosis, treatment and rehabilitation, whether provided on an inpatient or outpatient basis;

(14) "Ambulatory surgical treatment center" shall have the definition provided at Section 68-11-201.

SECTION _____. It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling or furnishing at retail any service or amusement service, as defined herein.

SECTION _____. The tax imposed by this chapter shall be at the rate of six and three-quarters percent (6.75%) of the gross charge for any sale at retail of any service or amusement service.

SECTION _____. The tax imposed by this chapter shall not apply to sales of services as follows:

(1) Sales which are exempt pursuant to Sections 67-6-313(b)(c)(d) and (e) and 67-6-322;

(2) Sales of repair and installation services with regard to industrial machinery as defined at Section 67-6-102;

(3) Sales to any county or municipality within the state, but sales to the State of Tennessee are not exempt;

(4) Sales of repair services performed on vessels of fifty (50) tons and over load displacement and which are used primarily in interstate or international commerce. For the purpose of this subdivision repair services shall include renovations and improvements to such vessels and barges;

(5) Sales of parking privileges by colleges, universities, technical institutes or area vocational schools to students at any such institutions;

(6) Sales exempt pursuant to Section 67-6-342.

SECTION _____. The tax imposed by this chapter shall not apply to sales of amusement services as exempted in 67-6-330.

SECTION _____. The tax imposed by this chapter shall be administered and collected by the commissioner of revenue.

SECTION _____. The tax imposed by this chapter shall be due and payable in the manner provided under Sections 67-6-504, 67-6-505, 67-6-506, 67-6-509, 67-6-513, 67-6-516, 67-6-517 and 67-6-523. Provided that, the total of the deductions for dealer's accounting costs provided by this section and Section

67-6-509 shall not exceed fifty dollars (\$50.00) for any one tax period.

SECTION _____. A dealer who has paid the tax imposed by this chapter on accounts found to be worthless may take credit for the tax paid in the manner provided at Section 67-6-507(e).

SECTION _____. The tax imposed by this chapter may be collected by the seller from the consumer insofar as it can be done.

SECTION _____. Persons subject to the tax imposed by this chapter shall register with the commissioner in the manner provided under part 6 of chapter 6 of title 67.

SECTION _____. All moneys received by the commissioner pursuant to the provisions of this chapter shall be deposited in the general fund, except as follows: of all moneys received pursuant to the provisions of this chapter from charges for amusement services and services other than health care, eleven and eleven-hundredths percent (11.11%) shall be distributed in the manner provided at part 7 of chapter 6 of title 67; and the amount remaining shall be distributed in the manner provided at Section 67-6-103. For the fiscal year beginning July 1, 1993 and for all subsequent fiscal years, an amount equal to 50% of the general funds' share of the growth on the services tax imposed by this act as well as the sum of sixty-five million dollars shall be allocated to the Indigent Health Care Risk Fund established pursuant to Section 68-11-1102. The growth for purposes of this section shall be equal to the amount of tax collections made pursuant to this act in excess of the tax collections made pursuant to this act in the preceding fiscal year.

SECTION 4. Tennessee Code Annotated, Section 67-6-205 is amended by deleting the present language thereof and substituting the following:

The gross charge for all services shall be subject to the tax imposed at part 7 of chapter 6 of this title. As of July 1, 1992 the state tax shall not apply to sales of services, other than interstate telecommunications services.

SECTION 5. Tennessee Code Annotated, Section 67-6-212 is amended by deleting the language "There is levied a tax at a rate equal to the rate of tax levied on the sale of tangible personal property at retail by the provisions of Section 67-6-202 on the gross receipts or gross proceeds of each sale at retail of the following:" and substituting

instead the following language:

As of July 1, 1992, the state tax shall not apply to sales of amusements. There shall be subject to the tax imposed at part 7, chapter 6 of this title the gross receipts or gross proceeds of each sale at retail of the following:

SECTION 6. Tennessee Code Annotated, Section 67-6-702 is amended by adding a new subsection as follows:

() Notwithstanding any other provision of this chapter, for each locality the rate of local tax on sales of amusements and services other than interstate telecommunications services shall be equal to the difference between the rate levied under subdivision (a)(1) and three-quarters percent (.75%).

SECTION 7. It is the legislative intent in enacting this act that the state sales tax be removed from amusements and services other than interstate telecommunications services, but that the local sales tax continue to apply to services and amusements at the maximum rate of two percent (2%).

SECTION 8. Tennessee Code Annotated, Section 67-6-214 is repealed.

SECTION 9. Tennessee Code Annotated, Section 67-6-215 is repealed.

SECTION 10. The commissioner of revenue is hereby authorized to promulgate all rules necessary to implement the provisions of this act subject to his administration. Notwithstanding any other provision of law, the commissioner of revenue is authorized to promulgate such rules as public necessity rules pursuant to Section 4-5-209.

SECTION 11. The commissioner of health is hereby authorized to promulgate all rules necessary to implement the provisions of this act subject to his administration. Notwithstanding any other provision of law, the commissioner of health is authorized to promulgate such rules as public necessity rules pursuant to Section 4-5-209.

SECTION 12. The commissioner of finance and administration is hereby authorized to promulgate all rules necessary to implement the provisions of this act subject to his administration. Notwithstanding any other provision of law, the commissioner of finance and administration is authorized to promulgate such rules as public necessity rules pursuant to Section 4-5-209.

SECTION 13. It is the legislative intent that appropriations to the medical assistance program be

maintained at a level not less than the appropriations made in the general appropriations act for the 1992-93 fiscal year and that appropriations in each subsequent year shall not be reduced below the level of appropriations required for the immediately preceding fiscal year.

SECTION 14. Tennessee Code Annotated, Section 68-11-216, subdivision (d)(5) is amended by adding language as follows:

Provided that, wherever the Commissioner determines that a hospital is in financial distress, he may grant an extension on the payment of the license fee required by this part. Such extension shall waive the penalty and interest which would otherwise be required for the period of the extension. Such an extension shall not be for a period extending beyond 60 days after the close of the state's fiscal year and shall not affect the status of such license fees as due and payable on the dates that they were otherwise required pursuant to this part.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, whether under state or federal law or regulation, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. It is not the intention of this act to alter or abridge the exemptions provided in Tennessee Code Annotated, Section 67-6-322(a) and (b).

SECTION 17. Tennessee Code Annotated, Section 68-11-1102, is amended by deleting in subsection (b) the phrase "pursuant to Sections 33-2-506(b) and 68-11-216(d)" and substituting the following:

pursuant to appropriations made by law

SECTION 18. Tennessee Code Annotated, Section 68-11-1102, is amended by deleting subsection (c) in its entirety and by substituting the following:

(c)(1) There is hereby created the Indigent Health Care Committee which shall be composed of five (5) members as follows: two (2) members to be appointed by the governor from a list of not less than five (5) persons submitted by the Tennessee Hospital Association, provided that at least one (1) of the two (2) members must represent an investor-owned hospital; one (1) member to be appointed by the governor from a list of not less than three (3) persons selected by the Hospital Alliance of Tennessee; one (1) member to

be appointed by the governor from a list of not less than three (3) persons selected by the Tennessee Public and Teaching Hospital Association; and one (1) member who shall be appointed by the governor to represent health care consumers. Each member shall serve for a term of three (3) years. Committee members shall receive no compensation but shall be reimbursed for all travel expenses in accordance with the travel regulations promulgated by the department of finance and administration.

(2) The Committee shall have the authority to recommend the allocation of monies in the fund to the commissioner of finance and administration. The commissioner of finance and administration shall make the allocation consistent with the rules and regulations promulgated pursuant to this section and in a manner so as not to jeopardize the state's federal financial participation under Medicaid. Such allocation shall be subject to the approval of the Attorney General as to state and federal law.

(d) In allocating the funds in the indigent health care risk fund, consideration shall be given, by the committee, to:

(1) The relative amounts of bad debt, medically indigent, and charity care provided by the hospitals;

(2) The amount of government subsidies to the hospitals; and

(3) Any other factor relating to indigent care as determined by the committee.

SECTION 19. The commissioner of health is hereby directed to begin the process of reviewing, for the purposes of reforming, the state's Medicaid program. Such review shall include reviewing managed care programs and applying for needed federal waivers as well as the development of plans for consideration by the Governor and the General Assembly outlining options the state has under federal law concerning, but not limited to, eligibility, scope and duration of services, optional services, and rate structures. In conducting this review, the commissioner of health is to report no less than quarterly to the chairman of the Senate Finance, Ways and Means Committee, the chairman of the Senate General Welfare, Health and Human Resources Committee, the chairman of the House Finance, Ways and Means Committee, the chairman of the House Health and Human Resources Committee, and to such other legislative committees that request such information. The Governor is hereby authorized to appoint committees, as he deems appropriate, to assist in the overall review of the Medicaid program, it being the legislative intent that the

State of Tennessee develop a Medicaid program that can continue to provide the necessary health care services to those appropriately in need at a cost which can be supported within existing sources of revenue.

SECTION 20. It is not the intent of this Act to tax the sale of gas, electricity, fuel oil, coal or liquefied gas. These energy fuels remain taxable as provided under the "Retailers' Sales Tax Act".

SECTION 21. Sections 1, 2, and 14 shall be effective upon passage, the public welfare requiring it. Section 18 shall be effective on July 1, 1993, the public welfare requiring it. All other sections shall take effect on July 1, 1992, the public welfare requiring it, provided that with respect to services which are regularly billed on a monthly basis, the services tax imposed by Section 3 of this act and not the state sales tax shall apply to services billed on or after the effective date of the act regardless of when such services were performed. All other services and amusement services performed prior to the effective date of this act shall be subject to the sales tax and not the services tax imposed by Section 3 of this act, the public welfare requiring it. All sections other than Sections 1, 2, 17, and 19 shall be repealed as of June 30, 1995, and all provisions of the Tennessee Code Annotated amended by those repealed Sections, to the extent amended by those sections, shall then revert to the language of those provisions as it existed prior to the enactment of this act, the public welfare requiring it. Section 14 shall be repealed as of September 30, 1992, the public welfare requiring it.

On motion, Amendment No. 13 was adopted.

Rep. Jackson moved that **Amendment No. 2** be withdrawn, and that Amendment No. 15 be substituted, which motion prevailed.

Rep. Jackson moved to amend as follows:

Amendment No. 15

Amend House Bill No. 2816 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of this act to the contrary, provided, however, the services tax imposed by this act shall expire on June 30, 1993, and the sales and amusement taxes repealed by this act shall be reinstated on July 1, 1993, in the same amount and in the same manner as paid prior to the enactment of this act.

Rep. Purcell moved that Amendment No. 15 be tabled, which motion

failed by the following vote:

Ayes.	36
Noes.	59

Representatives voting aye were: Armstrong, Bell, Bivens, Byrd, Chumney, Clark, Cole, Cross, Curlee, Davis (Knox), DeBerry, Dixon, Givens, Harrill, Head, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), Kernell, King, Love, McAfee, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), West, Winningham, Wix, Mr. Speaker Naifeh -- 36.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Bragg, Buck, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Davidson, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullis, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Wood -- 59.

Rep. McDaniel moved the previous question, which motion failed by the following vote:

Ayes.	34
Noes.	50

Representatives voting aye were: Anderson, Buck, Clark, Collier, Copeland, Curlee, Davidson, Duer, Gunnels, Haley, Hassell, Haun, Herron, Holcomb, Jackson, Johnson, Liles, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Peroulas Draper, Phillips, Rinks, Robinson (Davidson), Robinson (Hamilton), Sipes, Stamps, Tullis, Williams (Union), Windle, Wood -- 34.

Representatives voting no were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Byrd, Chumney, Coffey, Cole, Crain, Cross, Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Givens, Halteman, Hargrove, Harrill, Head, Hillis, Holt, Hubbard, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Love, McAfee, Napier, Odom, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Winningham -- 50.

Rep. Crain moved that House Bill No. 2816 be reset to the Calendar for Tuesday, April 28, 1992, which motion he then withdrew.

Rep. Buck moved the previous question, which motion failed by the following vote:

Ayes.	43
Noes.	50

Representatives voting aye were: Anderson, Arriola, Bell,

Bittle, Buck, Coffey, Collier, Copeland, Davidson, Davis (Cocke), Duer, Haley, Halteman, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Liles, McDaniel, Meyer, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Whitson, Williams (Union), Windle, Wood -- 43.

Representatives voting no were: Allen, Armstrong, Bivens, Bragg, Byrd, Callicott, Chumney, Clark, Cole, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Harrill, Head, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Love, McAfee, Moore, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 50.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1 to Amendment No. 15

Amend House Bill No. 2816 by deleting the date "1993" and by substituting instead the date "1995".

Rep. Jackson moved that Amendment No. 1 to Amendment No. 15 be tabled, which motion prevailed by the following vote:

Ayes.	51
Noes.	43
Present and not voting.	1

Representatives voting aye were: Anderson, Arriola, Bittle, Buck, Callicott, Chiles, Collier, Copeland, Crain, Davidson, Davis (Cocke), Duer, Ferguson, Fowlkes, Gunnels, Haley, Hargrove, Hassell, Haun, Herron, Hill, Holcomb, Holt, Hubbard, Jackson, Johnson, Joyce, Kent, Knight, Liles, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Wood -- 51.

Representatives voting no were: Armstrong, Bell, Bivens, Byrd, Chumney, Clark, Coffey, Cole, Cross, Curlee, Davis (Knox), DeBerry, Dixon, Givens, Halteman, Harrill, Head, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Love, McAfee, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Winningham, Wix, Mr. Speaker Naifeh -- 43.

Representatives present and not voting were: Bragg -- 1.

Rep. Rhinehart moved that **House Bill No. 2816** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 2503** -- Pardons and Paroles -- Establishes parole eligibility review board. Amends TCA, Title 40, Ch. 35, Pt. 6.

Having been discussed earlier, Rep. Armstrong moved that House Bill No. 2503 as amended, be passed on third and final consideration.

Rep. Hargrove moved to amend as follows:

Amendment No. 3

AMEND House Bill No. 2503 by adding the following to the end of subsection (b)(1) of Section 40-35-601 of Part 6 of Section 1:

Provided, however, such Review Board shall not have the authority to review the sentence of any habitual offender if any of the offenses which resulted in such person's habitual offender status was a violent offense.

AND FURTHER AMEND by adding the following to the end of subsection (b)(2) of Section 40-35-601 of Part 6 of Section 1:

Provided, however, the Board shall not have the authority to review the release eligibility date of any felon who was convicted of a violent offense.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Armstrong moved that **House Bill No. 2503**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	60
Noes.	25
Present and not voting.	5

Representatives voting aye were: Anderson, Armstrong, Bivens, Buck, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Hillis, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Napier, Niceley, Odom, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Arriola, Bittle, Bragg, Byrd, Chiles, Clark, Curlee, Davidson, Davis (Cocke), Duer, Givens, Harrill, Head, Holcomb, Huskey, Joyce, Kent, Nuber, Peroulas Draper, Robinson (Davidson), Sipes, Stamps, Walley, West, Williams (Union) -- 25.

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Representatives present and not voting were: Johnson, Phillips, Purcell, Rigsby, Tullos -- 5.

A motion to reconsider was tabled.

House Bill No. 2542 -- Firearms and Ammunition -- Authorizes local governments to charge a reasonable fee for conducting investigation to determine whether a firearm may lawfully be sold to potential purchaser. Amends TCA, Title 39, Ch. 17, Pt. 13.

Rep. Odom moved that House Bill No. 2542 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1399 -- Taxes, Personal Property --** Provides that equipment valued at \$500 or less is deemed to have no value for personal property tax purposes. Amends TCA 67-5-901.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1399**

Pursuant to Rule No. 73, Representative Davis (Knox) moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1399, which motion prevailed.

The Speaker appointed Representatives Davis (Knox), Cross and Niceley as the House members of the Conference Committee on Senate Bill No. 1399.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1764 -- Drugs -- Provides that claimant who prevails at hearing for return of property seized under drug laws not responsible for payment of expenses incurred in storage and transportation of such property. Amends TCA, Title 53, Ch. 11.

Senate Amendment No. 1

Amend House Bill No. 1764 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 53-11-201, is further amended by deleting subsection (f)(4) in its entirety.

Senate Amendment No. 2

Amend House Bill No. 1764 by adding the following new sections immediately preceding the last section of the bill as printed and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 53-11-201, is amended by designating the existing language of subsection (a) as subpart (1) and by adding the following new subpart (2):

(2) In all cases of seizure under the provisions of subpart (1) of this subsection involving a commercial vehicle or common carrier, any cargo or products transported by such vehicle shall not be subject to forfeiture unless such cargo or products are otherwise subject to forfeiture under Tennessee Code Annotated, Title 53, Chapter 11, or any other law of this state or the federal government. Such cargo or products shall, upon request, immediately be made available for release to the owner or transporting agent.

Section _____. Tennessee Code Annotated, Section 53-11-201, is further amended by deleting from subsection (g) the words "a sum double the appraised value" and substituting instead the words "the NADA retail value".

Senate Amendment No. 3

Amend House Bill No. 1764 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 53-11-201, is amended by adding the following as a new subsection:

() If a law enforcement agency seizes a motor vehicle as the result of a violation of the drug control law, the agency may elect whether to go forward with the forfeiture proceeding through either an administrative agency or through a court having civil jurisdiction in the county where the seizure occurred.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to House Bill No. 1764, which motion prevailed by the following vote:

Ayes.	89
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

***House Bill No. 2033** -- Pensions and Retirement Benefits -- All teachers in political subdivision to establish TCRS credit for periods of previous service rendered to that subdivision. Amends TCA 8-34-206, 8-34-316, 8-34-401, 8-34-503, 8-34-605; Title 8, Ch. 35, Pt. 2, 8-35-111, 8-36-601, 8-36-101, 108; Title 8, Ch. 37, Pt. 1. Repeals TCA 8-35-238, 8-37-112.

Senate Amendment No. 2

Amend House Bill No. 2033 by adding the following as a new Section 22 and by redesignating the subsequent sections accordingly:

SECTION 22. The provisions of Section 18 of this act are declared to be remedial in nature and to that end shall apply to all deaths occurring after January 1, 1990. Accordingly, the provisions of Section 18 of this act shall be retroactive to January 1, 1990.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2033**, which motion prevailed by the following vote:

Ayes	85
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Byrd, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway,

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Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Pinion -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGES

***Senate Bill No. 2434** -- Holidays -- Designates January 30 of each year as a day of special observance, to be known as "Franklin D. Roosevelt Day" to honor his initiation of the Tennessee Valley Authority. Amends TCA, Title 15.

Rep. Crain moved that Senate Bill No. 2434 be reset to the Message Calendar for Tuesday, April 28, 1992, which motion prevailed.

***House Bill No. 2516** -- Courts -- Requires submission of bills affecting judicial system to judicial council by April 1; requires council to make report to governor and supreme court concerning legislation for new judicial district attorney and public defender positions and/or proposal by December 1 of each year. Amends TCA, Title 16, Ch. 21.

Rep. Purcell moved that House Bill No. 2516 be reset to the Message Calendar for Tuesday, April 28, 1992, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2704 -- Sunset Laws -- Tellico Reservoir development agency, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

Senate Amendment No. 1

Amend House Bill No. 2704 by deleting the words and dates June 30, 2000 and substituting the date June 30, 1994, wherever they appear.

Rep. King moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2704**, which motion prevailed by the following vote:

Ayes.	85
Noes.	2
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Arriola,

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Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Gunnels, McAfee -- 2.

Representatives present and not voting were: Nuber, Venable -- 2.

A motion to reconsider was tabled.

House Bill No. 2712 -- Motor Vehicles, Titling and Registration
-- Authorizes issuance of special license plates for Fraternal Order of Police members. Amends TCA, Title 55, Ch. 4.

Senate Amendment No. 1

Amend House Bill No. 2712 by adding the following language at the conclusion of Section 3, subsection b:

Such application shall only be permitted to full time paid or retired law enforcement officers or their spouses who are members of the Fraternal Order of Police.

Rep. Duer moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2712**, which motion prevailed by the following vote:

Ayes.	85
Noes.	0
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner

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(Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Hubbard moved that the Clerk request the return of Senate Bill No. 2554 from the Senate, which motion prevailed.

RULES SUSPENDED

Rep. Robinson (Davidson) moved that the rules be suspended so that Senate Joint Resolution No. 339 might be considered for First Reading, which motion prevailed.

***Senate Joint Resolution No. 0339** -- Constitutional Amendments -- Allows income taxation by the state, and by municipalities and counties, if authorized by the general assembly. Amends Art. II, Sec. 28; Art. XI, Sec. 9.

Rep. Robinson (Davidson) requested that Senate Joint Resolution No. 339 be considered on First Reading. The Clerk read the resolution as proscribed by Article XI, Section 3 of the Constitution. Mr. Speaker Naifeh declared that Senate Joint Resolution No. 339 had passed First Reading.

RULES SUSPENDED

Rep. Buck moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bills Nos. 2329, 2331 and 2831 could be heard by the Judiciary Committee on Thursday, April 23, 1992, which motion prevailed.

RULES SUSPENDED

Rep. Arriola moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 700 out of order, which motion prevailed.

***House Joint Resolution No. 700** -- General Assembly, Studies -- Creates special joint committee to study traumatic head injuries. by *Arriola.

On motion, House Joint Resolution No. 700 was referred to the Calendar and Rules Committee.

RULES SUSPENDED

Rep. Kernell moved that the rules be suspended so that Senate Joint Resolution No. 399 might be considered for First Reading, which motion prevailed.

***Senate Joint Resolution No. 0399** -- Constitutional Amendments -- Authorizes constitutional amendment to be on ballot for regular November election; requires simple majority to ratify.

Rep. Kernell requested that Senate Joint Resolution No. 399 be considered on First Reading. The Clerk read the resolution as proscribed by Article XI, Section 3 of the Constitution. Mr. Speaker Naifeh declared that Senate Joint Resolution No. 399 had passed First Reading.

RULES SUSPENDED

Rep. Bragg moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 2408 can be heard by the State and Local Government Committee if a meeting is called, which motion prevailed.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 690 out of order, which motion prevailed.

House Joint Resolution No. 0690 -- Memorials, Government Officials -- Urges Corps of Engineers to approve proposal to build new marina on Center Hill Lake. by *Hargrove.

On motion, the rules were suspended to refer House Joint Resolution No. 690 to the Calendar and Rules Committee.

RULES SUSPENDED

Rep. DeBerry moved that the Clerk compile a Special Consent Calendar of all congratulatory and memorializing resolutions lying on the desk to be acted on at the end of the day, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1000: Rep(s). Herron as prime sponsor(s).

House Bill No. 1651: Rep(s). Purcell as prime sponsor(s).

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House Bill No. 1800: Rep(s). DeBerry as prime sponsor(s).

House Bill No. 2039: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 2603: Rep(s). Bragg and Head as prime sponsor(s).

House Bill No. 2684: Rep(s). Arriola, Bivens, Callicott, Dixon, Hill and Peroulas Draper as prime sponsor(s).

House Joint Resolution No. 678: Rep(s). Herron as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Sipes was removed as sponsor of **House Bill No. 2583**.

On motion, Rep. Buck was removed as sponsor of **House Joint Resolution No. 547**.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0197 -- Memorials, Recognition and Thanks -- Blountville, 200th Anniversary. by *Holcomb.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0198 -- Memorials, Public Service -- Human and Animal Partnership Programs for Everyone's Needs. by *Holcomb.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0199 -- Memorials, Interns -- Michael Scott Ballard. by *Armstrong, *Tindell.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0200 -- Memorials, Public Service -- Kenneth L. Hannah, Sr. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0201 -- Memorials, Interns -- Travis Joe Owens. by *Buck, *Clark, *Stamps, *Hargrove, *Chumney, *Byrd, *Venable, *Davis J K, *Purcell, *Windle, *Turner B.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0202 -- Memorials, Recognition and Thanks -- Memphis Chapter of Links. by *DeBerry.

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Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0203 -- Memorials, Interns -- Brion Payne. by *Bragg, *Kisber, *Head.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0204 -- Memorials, Interns -- James Gregory Waller. by *Bragg, *Kisber, *Head.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0205 -- Memorials, Death -- Stanford T. Arrington of Jackson. by *Sipes, *Kisber, *McDaniel.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0206 -- Memorials, Sports -- Newport Grammar All-Star team. by *Davis R E.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0207 -- Memorials, Personal Occasion -- Reverend and Mrs. Willard L. Watson, 50th Wedding Anniversary. by *Holt.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0682 -- Memorials, Sports -- Walter A. "Babe" Wood, recipient of Amateur Football Award. by *Hillis.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0683 -- Memorials, Public Service -- Lt. Col. John R. Ward, USAF. by *Hillis.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0684 -- Memorials, Interns -- Tamara Kaye George. by *Kent, *Haley.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0685 -- Memorials, Public Service -- Walter Hill School. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0686 -- Memorials, Sports -- Walter Hill Elementary School boys' basketball team. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0687 -- Memorials, Professional and Business Achievement -- Penny Eilert, Principal of the Year. by *Byrd.

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Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0688 -- Memorials, Recognition and Thanks -- Rubye Dobbins. by *Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0689 -- Memorials, Professional and Business Achievement -- Melissa Watson, "Outstanding Teacher of the Year". by *Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0691 -- Memorials, Personal Achievement -- Michael Skivensen. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0692 -- Memorials, Personal Achievement -- Javier Ballesteros-Cherp, foreign exchange student. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0693 -- Memorials, Congratulations -- Central North Church, Bartlett. by *Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0694 -- Memorials, Sports -- Memphis State University pompon squad. by *Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0695 -- Memorials, Sports -- Coach Jack Armstrong. by *Coffey.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0696 -- Memorials, Congratulations -- Gallatin High School reunion class of 1957. by *Wix, *Stamps.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0699 -- Memorials, Sports -- South Greene High School girls' basketball team. by *Haun, *Whitson, *Davis R E.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0701 -- Memorials, Sports -- North Greene High School boys' basketball team. by *Haun.

Referred by the Speaker to the Calendar and Rules Committee.

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House Joint Resolution No. 0702 -- Memorials, Congratulations -- Cocke County High School chess team. by *Davis R E.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

***Senate Joint Resolution No. 0323** -- General Assembly, Studies -- Establishes joint study committee on emergency communications.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0421** -- Highway Signs -- "William A. Harwell Memorial Highway," U.S. 43, Lawrence County.

Referred by the Speaker to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0442** -- General Assembly, Confirmation of Appointment -- Edward S. Porter, State Forestry Commission.

Held on Clerk's desk.

***Senate Joint Resolution No. 0443** -- General Assembly, Confirmation of Appointment -- Michael D. Martin, State Forestry Commission.

Held on Clerk's desk.

***Senate Joint Resolution No. 0445** -- General Assembly, Directed Studies -- Creates interagency task force to study issues relative to intermediate care facilities for persons with mental retardation.

Referred by the Speaker to the Calendar and Rules Committee.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 2874 and 2876, was/were referred to the Delayed Bills Committee.

***House Bill No. 2874** -- County Officers -- Removes law enforcement duties from constables in Rutherford County. Amends TCA 8-10-101, 108, 40-6-210, 55-8-152, 202, 57-9-101. by *Bragg, *Liles.

***House Bill No. 2876** -- Education -- Makes provisions relative to Shelby County board members' residence in Memphis applicable only with two-thirds vote of county legislative body. Amends Chapter 535, Section 39, Public Acts of 1992, Amends TCA 49-2-201. by *Byrd.

REPORT OF DELAYED BILLS COMMITTEE
April 22, 1992

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2868, 2874 and 2876.

Jimmy Naifeh, Speaker
Bill Purcell
John Chiles

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction and passage on first consideration of House Bill(s) No(s). 2868, 2872, 2874 and 2876, which motion prevailed.

***House Bill No. 2868** -- Schools, Private -- Adds Association of Christian Schools International to list of schools setting standards of accreditation or membership for church related schools. Amends TCA 49-50-801. by *Hassell, *Joyce, *Shirley.

House Bill No. 2872 -- Carter County -- Corrects typographical error in Junkyard Control Act of 1992. Amends Chapter 193, Private Acts of 1992. by *Cole, *Whitson.

***House Bill No. 2874** -- County Officers -- Removes law enforcement duties from constables in Rutherford County. Amends TCA 8-10-101, 108, 40-6-210, 55-8-152, 202, 57-9-101. by *Bragg, *Liles.

***House Bill No. 2876** -- Education -- Makes provisions relative to Shelby County board members' residence in Memphis applicable only with two-thirds vote of county legislative body. Amends Chapter 535, Section 39, Public Acts of 1992. Amends TCA 49-2-201. by *Byrd.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2869 -- Gibson -- Repeals old charter; enacts new charter. Repeals Chapter 67, Acts of 1909, as amended. by *Davis Ray.

Passed first consideration.

House Bill No. 2870 -- Milan -- Divides city into four wards instead of three; describes boundaries of each ward. Amends Chapter 458, Acts of 1901, as amended. by *Davis Ray.

Passed first consideration.

House Bill No. 2871 -- Hamilton County -- Revises make up of

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board of education. Amends Chapter 475, Private Acts of 1917, as amended. by *Copeland, *Robinson C B.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0149** -- Commerce and Insurance, Dept. of -- Revises meeting notice requirements. Amends TCA, Title 56. (HB 0695).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0744** -- Taxes, Sales -- Authorizes tax on services. Amends TCA, Title 67. (HB 1014).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0884** -- Insurance, Health, Accident -- Permits assignment of certain insurance benefits. Amends TCA, Title 56, Ch. 7, Pt. 1. (HB 1449).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0887** -- Chiropractors -- Permits insurance payment for disability when injury certified. Amends TCA, Title 56, Ch. 7, Pt. 1. (HB 1447)

Held pending third consideration of companion House Bill.

***Senate Bill No. 1892** -- Sunset Laws -- Board of examiners for architects and engineers, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 2. (HB 1772).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1904** -- Sunset Laws -- Board of examiners in psychology, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 11; Title 68, Ch. 1. (HB 1786).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1910** -- Sunset Laws -- Alcoholic beverage commission, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 50; Title 12, Ch. 2; Title 47, Ch. 18; Title 57; Title 60, Ch. 4; Title 62, Ch. 33; Title 67, Ch. 4. (HB 1785).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1936** -- Taxes -- Enacts "Tennessee Taxpayer Bill of Rights". Amends TCA, Title 67, Ch. 1. (HB 1906).

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Held pending third consideration of companion House Bill.

***Senate Bill No. 2439 -- Taxes --** Expands list of persons who can receive copy of decedent's inheritance tax return to include legatee, devisee, or beneficiary of estate; clarifies inheritance tax provisions to apply to persons domiciled in Tennessee rather than residing temporarily. Amends TCA 67-1-1703, 67-8-202, 67-8-303, 304. (HB 2215).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2605 -- Zoning --** Permits counties to hold elections on zoning regulation questions when authorized by private act. Amends TCA 13-7-115. (HB 2673).

Held pending third consideration of companion House Bill.

Senate Bill No. 2606 -- County Government -- Expands county government's authority to place charges for weed and debris removal on property tax rolls to include owner occupied residential property. Amends TCA, Title 5, Ch. 1; Title 6, Ch. 54. (*HB 2436).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2691 -- Driver Licenses --** Requires department of safety to put donor authorization form on back of all driver licenses. Amends TCA, Title 55, Ch. 50; Title 68, Ch. 30. (HB 2690).

Held pending third consideration of companion House Bill.

Senate Bill No. 2744 -- Development Districts -- Removes floor space requirement that enables businesses to qualify as business facilities within enterprise zones; removes criteria that would prevent such businesses from qualifying for excise tax reimbursement. Amends TCA, Title 13, Ch. 28. (*HB 2641).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2762 -- Sexual Offenses --** Requires person convicted of two or more rapes or aggravated rapes to serve entire sentence imposed by court. Amends TCA, Titles 39--41. (HB 2684).

Held pending third consideration of companion House Bill.

Senate Bill No. 2816 -- Sewage -- Permits Gordonsville to consider sewer rates as assessments for which lien may attach to real property. Amends TCA, Title 7, Ch. 35, Pt. 2. (*HB 2803).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

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***House Bill No. 2818** -- Sunset Laws -- Passed second consideration and referred to the Government Operations Committee.

***House Bill No. 2819** -- Sunset Laws -- Passed second consideration and referred to the Government Operations Committee.

***House Bill No. 2820** -- Sunset Laws -- Passed second consideration and referred to the Government Operations Committee.

***House Bill No. 2821** -- Sunset Laws -- Passed second consideration and referred to the Government Operations Committee.

***House Bill No. 2829** -- Naming and Designating -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 2831** -- Paternity -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 2836** -- Sunset Laws -- Passed second consideration and referred to the Government Operations Committee.

House Bill No. 2857 -- Columbia -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2858 -- Graysville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2859 -- Johnson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2860 -- McNairy County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2861 -- Gatlinburg -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2862 -- Jackson -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

***House Bill No. 2863** -- County Officers -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2866 -- Wayne County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2867 -- Hickman County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

ENROLLED BILLS

April 21, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 772, 1150, 1609, 1770, 1776, 1801, 1813, 1824, 1830, 1835, 1947, 1970, 2002, 2013, 2041, 2047, 2121, 2172, 2231, 2335, 2417, 2427, 2485, 2572, 2695, 2823, 2840, 2841, 2842 and 2849; House Resolution(s) No(s). 175, 192, 193, 194, 195 and 196; also, House Joint Resolution(s) No(s). 666; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

April 21, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 772, 1150, 1609, 1770, 1776, 1801, 1813, 1824, 1830, 1835, 1947, 1970, 2002, 2013, 2041, 2047, 2121, 2172, 2231, 2335, 2417, 2427, 2485, 2572, 2695, 2823, 2840, 2841, 2842 and 2849; House Joint Resolution(s) No(s). 666; also, House Resolution(s) No(s). 175, 192, 193, 194, 195 and 196.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 22, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2482, 2615, 2785, 2787, 2854, 2855 and 2856; also, House Joint Resolution(s) No(s). 518, 575, 589, 615, 678, 679, 680, 681, 697 and 698; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 22, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2401; also, House Joint Resolution(s) No(s). 622 and 676; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

April 22, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 131, 159, 179 and 180; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

April 22, 1992

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 131, 159, 179 and 180.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 22, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2503; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

April 22, 1992

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2858, 2861, 2862, 2863, 2859 and 2860.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

April 22, 1992

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, April 23, 1992**: House Resolution(s) No(s). 197, 198, 199, 200, 201, 202, 203, 204, 205, 206 and 207; House Joint Resolution(s) No(s). 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701 and 702; also House Bill(s) No(s). 2858, 2861, 2862, 2863, 2859 and 2860.

PHILLIPS, Chair.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 23, 1992.